REMARKS

This responds to the non-final Office Action dated 3 November 2008. Claims 1, 5, 10, 11, 15, 20-28, 30-37, and 40-43 have been amended and claims 9, 19, 29, and 39 have been cancelled. Support for these amendments can be found variously throughout the specification; including, for example, paragraph [0060] and original claims 9, 10, 19, 20, 29, 30, 39, and 40. No new matter has been added by way of these amendments. Accordingly, claims 1-8, 10-18, 20-28, 30-38, and 40-43 are presently pending in the application, each of which Applicants believe is in condition for allowance. Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections applied to the independent claims (*i.e.*, claims 1, 11, 21, 31, and 41-43) with the understanding that the dependent claims are patentable for at least the same reasons that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Objection to Specification

In the Action, the Examiner objected to the specification for allegedly failing to provide a definition for the phrase "computer-readable media." Applicants have amended the specification in the manner suggested by the Examiner in the in-person interview and, as such, request withdrawal of this objection.

Objection to Drawings

In the Action, the Examiner objected to the drawings for failing to reference file(s) 305. Applicants plan to submit shortly a Replacement Sheet for FIG. 3 that includes a reference to file(s) 305 and, as such, respectfully request withdrawal of this objection.

Claim Objections

Applicants have amended claims 10, 11, 20-28, 30-37, 40, and 43 in the manner suggested by the Examiner in the in-person interview and, as such, respectfully request withdrawal of these objections.

Claim Rejections – 35 U.S.C. § 101

In the Action, the Examiner rejected claims 21-40 and 42-43 under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Applicants have amended these claims in the manner suggested by the Examiner in the in-person interview and, as such, respectfully request withdrawal of these rejections.

Claim Rejections – 35 U.S.C. § 102

In the Action, the Examiner rejected claims 1-43 under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,615,365 to Jenevein et al. ("Jenevein"). Applicants respectfully traverse this rejection for at least the reasons set forth below.

Independent claims 1, 11, 41, and 42 each recite, *inter alia*, "protecting [a] locally-stored image file from accidental user deletion or modification by providing a filter driver that intercepts and denies requests to access the locally-stored image file." Similarly, independent

claims 21 and 31 each recite, *inter alia*, "a protection component programmed to protect [a] locally-stored image file from accidental user deletion or modification by providing a filter driver that intercepts and denies requests to access the locally-stored image file," while independent claim 43 recites, *inter alia*, "program code to protect [a] locally-stored image file from accidental user deletion or modification by providing a filter driver that intercepts and denies requests to access the locally-stored image file."

In contrast, and as discussed in the in-person interview, Jenevein clearly fails to disclose, teach, or suggest protecting a locally-stored image file from accidental user deletion or modification by providing a filter driver that intercepts and denies requests to access the locally-stored image file. Instead, Jenevin merely teaches of placing an image as a contiguous block at the end of a partition in hopes of avoiding "a head crash." *See, e.g.,* col. 22, lines 42-55 of Jenevin ("Placing the image 420 as a contiguous block at the end of the partition 300 offers some protection in the event of a head crash, as crashes more commonly occur at the beginning of a partition.") (emphasis added). In fact, Jenevin fails to account for accidental user deletion or modification of images in any way, let alone teaching of providing a filter driver that protects locally-stored images from such mishaps.

Accordingly, because Jenevin fails to disclose, teach, or suggest each and every limitation of claim 1, 11, 21, 31, and 41-43, a *prima facie* anticipation rejection has not been established. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566

(Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the … claim.") (emphasis added).

In addition, because claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 depend from independent claims 1, 11, 21, or 31, Applicants submit that these claims are allowable for at least the same reasons given above with respect to independent claims 1, 11, 21, and 31. Applicants also submit that claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 are further distinguished over the cited prior art by the additional elements recited therein, and particularly with respect to each claimed combination. Applicants therefore respectfully request withdrawal of these rejections and allowance of the claims.

Conclusion

For at least the foregoing reasons, Applicants believe that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicants respectfully request a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicants invite the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicants expressly disclaim all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

Respectfully submitted,

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